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8 Attorneys for Witness
9 MAO CAI SUN

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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15
16 In Re Material Witnesses Case No. 07-90552-MISC-VRW (JCS)
17 (M/V COSCO BUSAN) STIPULATION AND [PROPOSED]
18 ORDER RELEASING MATERIAL
19 WITNESS MAO CAI SUN FROM
20 MATERIAL WITNESS WARRANT AND
21 CONDITIONS IMPOSED UNDER 18
22 U.S.C SECTIONS 3144 AND 3142

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24 This stipulation is made by and between the United States of America, Fleet Management
25 Limited, John Joseph Cota and Material Witness Mao Cai Sun, by and through their respective
26 attorneys of record.

27 **RECITALS**

28 The stipulation is based on the following facts:

1. Mai Cai Sun (hereinafter "Material Witness") was arrested as a Material Witness pursuant to 18 U.S.C. Section 3144 on or about December 20, 2007 in connection with the government's investigation of the M/V Cosco Busan's allision with the Bay Bridge.
2. On January 3, 2008, this Court imposed conditions of release and appearance on

STIPULATION AND [PROPOSED] ORDER RELEASING MATERIAL WITNESS MAO CAI SUN FROM
MATERIAL WITNESS WARRANT AND CONDITIONS IMPOSED UNDER 18 U.S.C. SECTIONS 3144 AND 3142
Case No. 07-90552-MISC-VRW (JCS)

1 the Material Witnesses pursuant to 18 U.S.C. Section 3142. Since that time, the Material Witness
2 has been required to remain in the Northern District of California pending trial or deposition.

3 3. This Court previously ruled, on November 7, 2008, that it would rescind the
4 Material Witness warrant as to Material Witness Mao Cai Sun upon completion of his Rule 15
5 deposition. As a precondition for this rescission, the Court required the Material Witness to do
6 the following: (1) Sign his deposition transcript in the case of *United States of America v. John*
7 *Cota, et al.*, Case No. CR 08-0160 SI; (2) Accept service of a trial subpoena for the April 6, 2009
8 trial; (3) Authorize his counsel to accept service in the future; and (4) Provide a point of contact
9 and an alternative point of contact in China.

10 4. Mr. Sun's Rule 15 deposition was completed on Thursday, January 29, 2009. On
11 February 19, 2009, Mr. Sun signed the deposition transcript under oath and was personally
12 served with a trial subpoena. He also authorized his counsel, Douglas R. Schwartz, to accept
13 service of process in the future for any subsequent trial subpoena in this case. Mr. Sun has
14 provided point of contact information to his counsel, who in turn has provided them to the United
15 States. He has satisfied all requirements imposed upon him.

16 5. The parties hereby stipulate that Material Witness Mao Cai Sun has fulfilled each
17 of the conditions imposed by the Court as set forth above and should be released forthwith.

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1 DATED: February 20, 2009

Respectfully submitted,

2 SCHWARTZ & CERA LLP

3 By:

4 Douglas R. Schwartz
5 Counsel for Material Witness
6 Mao Cai Sun

7 JOSEPH P. RUSSONIELLO

8 United States Attorney

9 BRIAN J. STRETCH

10 Chief, Criminal Division

11 By:

12 Jonathan Schmidt
13 Assistant United States Attorney
14 Counsel for Plaintiff
15 United States of America

16 KESSAL, YOUNG & LOGAN

17 By:

18 Marc C. Greenberg
19 John Cox
20 Counsel for Defendant
21 Fleet Management

22 K&L GATES LLP

23 By:

24 Jeffrey L. Bornstein
25 Counsel for Defendant
26 John Cota

27 IT IS SO ORDERED.

28 Dated: _____

HONORABLE JOSEPH C. SPERO
United States Magistrate Judge

1 DATED: February ___, 2009

Respectfully submitted,

2 SCHWARTZ & CERA LLP

3 By:

4 Douglas R. Schwartz
5 Counsel for Material Witness
6 Mao Cai Sun

7 JOSEPH P. RUSSONIELLO
8 United States Attorney
9 BRIAN J. STRETCH
Chief, Criminal Division

10 By:

11 Jonathan Schmidt
12 Assistant United States Attorney
13 Counsel for Plaintiff
United States of America

14 KESSAL, YOUNG & LOGAN

15 By:

16 Marc C. Greenberg
17 John Cox
18 Counsel for Defendant
Fleet Management

19 K&L GATES LLP

20 By:

21 Jeffrey L. Bornstein
22 Counsel for Defendant
John Cota

23 IT IS SO ORDERED.

24 Dated: _____

25 HONORABLE JOSEPH C. SPERO
26 United States Magistrate Judge

27 - 3 -

28 STIPULATION AND [PROPOSED] ORDER RELEASING MATERIAL WITNESS MAO CAI SUN FROM
MATERIAL WITNESS WARRANT AND CONDITIONS IMPOSED UNDER 18 U.S.C. SECTIONS 3144 AND 3142
Case No. 07-90552-MISC-VRW (JCS)

1 DATED: February 20, 2009

Respectfully submitted,

2 SCHWARTZ & CERA LLP

3 By: D R Schwartz

4 Douglas R. Schwartz
5 Counsel for Material Witness
6 Mao Cai Sun

7 JOSEPH P. RUSSONIELLO
8 United States Attorney
9 BRIAN J. STRETCH
Chief, Criminal Division

10 By: _____

11 Jonathan Schmidt
12 Assistant United States Attorney
13 Counsel for Plaintiff
14 United States of America

15 KESSAL, YOUNG & LOGAN

16 By: JCL

17 Marc C. Greenberg
18 John Cox
19 Counsel for Defendant
Fleet Management

20 K&L GATES LLP

21 By: _____

22 Jeffrey L. Bornstein
Counsel for Defendant
John Cota

23 IT IS SO ORDERED.

24 Dated: February 26, 2009



- 3 -

25 STIPULATION AND [PROPOSED] ORDER RELEASING MATERIAL WITNESS MAO CAI SUN FROM
26 MATERIAL WITNESS WARRANT AND CONDITIONS IMPOSED UNDER 18 U.S.C. SECTIONS 3144 AND 3142
27 Case No. 07-90552-MISC-VRW (JCS)